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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231 #4

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OFFICE OF PETITION  
ACQUITTANCE

In re Application of  
Martin and LeBlanc  
Application No. 08/481,169  
Filed: June 7, 1995  
For: Multiple Lumen Catheter

:  
:  
: DECISION ACCORDING STATUS  
: UNDER 37 CFR 1.47(a)  
:

Papers filed December 5, 1995 in response to a "Notice to  
File Missing Parts of Application Filing Date Granted,"  
mailed August 2, 1995, included:

(1) a Declaration signed by Geoffrey Martin which is  
taken as a declaration signed by Mr. Martin on behalf of  
himself and the non-signing inventor LeBlanc in  
compliance with 37 CFR 1.63;

(2) a declaration of facts of Christopher Scott stating  
that on October 20, 1995 a copy of the application was  
sent to Mr. LeBlanc as shown in the letter attached  
thereto and providing proof that Mr. LeBlanc orally  
informed him that he would not sign the declaration;

(4) a copy of the Notice to File Missing Parts and the  
surcharge;

(5) a petition for a three month extension of time and  
fee; and

(6) authorization to charge deposit account No. 18-1840  
any required fees.

The papers filed December 1, 1995 have been treated as a  
petition under 37 CFR 1.47(a). Accordingly, the required  
\$130.00 petition fee has been charged to deposit account No.  
18-1840.

Applicant has shown that the joint inventor LeBlanc was  
presented with the application papers, but refused to sign  
the declaration.

The above-identified application and papers have been  
reviewed and found in compliance with 37 CFR 1.47(a). This

application is hereby accorded Rule 1.47(a) status and Application Branch is authorized to:

- (1) accept this application under Rule 1.47(a);
- (2) process the application with the inventors being Martin and LeBlanc, using the Declaration filed on December 1, 1995; and
- (3) mail a filing receipt with a filing date of June 7, 1995.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to non-signing inventor LeBlanc at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

*Karin Tyson*

Karin Tyson  
Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects



PATENT APPLICATION  
Docket: 2409.3273.2.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)	
	Geoffrey S. Martin et al.	)	
Serial No.:	09/139,705	)	Art Unit
		)	3734
Filed:	August 25, 1998	)	
		)	
For:	MULTIPLE LUMEN CATHETER	)	

TRANSMITTAL FOR ORIGINALS OF  
DOCUMENTS PREVIOUSLY FILED AS PHOTOCOPIES

BOX: MISSING PARTS  
The Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

The documents attached hereto as exhibits are the originals of documents that were previously filed in photocopy form on August 25, 1998, by being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service utilizing Express Mail Label No. EE 897357979 US.

As ascertained by the undersigned in a telephone conference conducted with the United States Postal Service<sup>1</sup> on November 12, 1998, the materials filed under Express Mail Label No. EE 897357979 US were delivered to the United States Patent and Trademark Office at 11:00 a.m. on August 28, 1998.

On August 25, 1998, the undersigned arranged for the deposit with the United States Postal Service "Express Mail Post Office to Addressee" service an envelope addressed to: BOX PATENT APPLICATION, The Honorable Commissioner of Patents and Trademarks, Washington, D.C., 20231. The envelope contained photocopies of the following original documents attached hereto as the respective exhibits indicated below:

Exhibit A: Transmittal for Miscellaneous Documents (2 pages);

Exhibit B: Transmittal for Continuation Application (6 pages);

Exhibit C: Preliminary Amendment (17 pages); and

Exhibit D: Certificate of Mailing by "Express Mail" (2 pages) listing the documents at Exhibits A-C.

Each of the items listed above carries an indication of an Express Mail label number.

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<sup>1</sup>United States Postal Service (hereinafter "the USPS") employees entrusted with providing information to the public about the status of packages deposited with the United States Postal Service "Express Mail Post Office to Addressee" service are permitted to identify themselves only by first name and an employee number. The undersigned was thusly advised by an employee named Linda, Employee No. 2899, located in the Arizona office of the USPS accessed by telephone at (800) 222-1811.

Linda also confirmed at that time that the package of materials transmitted under Express Mail Label No. EE897357979US had been received by the USPS prior to midnight on August 25, 1998.

At the time the items listed above were executed, the Express Mail label number under which the photocopies of those documents would be dispatched subsequently that same date by an agent of the undersigned was unknown. Consequently, while the number of the Express Mail label was, or should have been, entered by hand by that agent on the photocopies of the items listed above, that same Express Mail label number on the original items actually attached hereto as Exhibits A-D was entered thereon by the undersigned only after being apprised thereof by that agent.

This document and the Exhibits A-D attached hereto are being resubmitted to ensure the completeness and integrity of the records of the United States Patent and Trademark Office relative to the above-captioned application, and in order to permit study as needed by the Examiner at an appropriate future time in the prosecution of this matter.

It is respectfully requested that the documents so submitted be entered into the file wrapper for the above referenced application.

The undersigned further declares that all statements made herein based on the knowledge of the undersigned are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the subject application or any patent that may issue therefrom.

DATED this 13<sup>th</sup> day of November, 1998.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kent S. Burningham", is written over a horizontal line.

KENT S. BURNINGHAM  
Attorney for Applicants  
Registration No. 30,453

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